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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,705	10/23/2003	Tom H. Dao	9254195/THD/D125	9789

7590
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Irvine, CA 92603

08/10/2006

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,705

Applicant(s)

DAO, TOM H.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 11, 13-17 and 27-49 is/are pending in the application.
- 4a) Of the above claim(s) 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 13-17, 30-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 30-35, 39-41, 43, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Battes, U. S. Patent 630,822.
2. Battes teaches a medicine label comprising a recording medium (label 3) having four sides defining a rectangle, a front surface, and a rear surface. The front surface has a plurality of lines (4, 6, 7) printed thereon defining a plurality of entry fields and preformatted field comprising printed words such as instruction " For A. M over line hour taken, For P. M. underline hour taken". The instruction conveying information for recording a time representing a further event such a time the medication is to be taken.
3. With respect to claim 32, Battes teaches the label 3 is pasted or other wise secured to the bottle 2, wherein the paste corresponds to the claimed adhesive.
4. In addition, the label taught by Battes has a plurality of printed times (the numerals 1-12 in the spaces 11) indicating a plurality of times of dosage of medication is to be consumed.

Diagram illustrating a medical label template with numbered callouts:

- 3: Label template
- 4: Name field
- 5: Address field
- 6: Time field
- 7: Entry fields
- 8: Label template
- 9: Time field
- 10: Address field
- 11: Time field
- 12: Label template

The diagram shows a rectangular label template with a header section containing a 12-hour clock face. Below the header are three horizontal entry fields. The first field is labeled 'Name' and contains the text 'Dz.'. The second field is labeled 'Address' and contains the text '123'. The third field is labeled 'Time' and contains the text '10:00'. The label template is shown with a grid of lines and a border. The callouts 3 through 12 point to various parts of the label template, including the header, entry fields, and the overall layout.

5. With respect to claim 33, the plurality of entry fields is arranged in a column.
6. With respect to claims 34 and 42, the recordable medium is an integral part of the label.
7. With respect to claims 35, 40, 44, and 49 the template or label 3 is pasted or added onto the bottle/container 2.
8. With respect to claim 39, the plurality of lines 4, 6, 7, are parallel.
9. With respect to claim 41, the second and third entry field relates to time. The first entry field related to a name entry.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10, 11, 13, 14, 16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Greco, U. S. Patent 3,517,450 in view of Boettger, U. S. Patent 5,259,499.
12. Greco teaches a container 25 having a closed top end and an open bottom end. The container also has an adhesive recording member (label) 10 adhesive attached thereto. The recording member has a label portion (space) 11 and a template portion, wherein the template portion has portion 12, lines 13-19 for writing in information.
13. Greco does not teach the recording a quantity of ingestible product consumed by each of two or more different individuals.
14. Boettger teaches a daily drug record for recording a multiple patient names, the drug, and the amount of the drug.
15. It would obvious to one having ordinary skill in the art the art at the time this invention was made to construct the device taught by Greco with a daily drug record chart as taught by Boettger to provide a means to record the drugs taken by a plurality of patients. Note: the applicant does not claim

recording a quantity of ingestible product consumed by each of two or more different individuals associated with the template.

16. With respect to claims 11, Greco teaches providing a template (recording Label 10) having a Line 16 at the top of the label for recording the start time the contents of the bottle as administered and a Line 19 at the bottom of the Label for recording the stop time.

17. With respect to claim 14, Greco teaches adhesive 20 for attachment to the bottle.

18. Claims 10, 13, 14, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark, U. S. Patent 1,277,696 in view of Boettger. Clark teaches a container record comprising a container 5 having a pad 11, wherein the portion of the pad below the line 16 correspond to the template and the portion 17 of the pad above the line 16 correspond to the label. Clark teaches the container may be a box, bottle, carton, or other convenient receptacle. See page 1, lines 49-52. The label portion 17 has preprinted data 18 and the template has a plurality of lines 20-23 and pre-printed indicia such a "patient".

19. With respect to claims 14, 15, 16, Clark teaches the pad may be attached to the container using an adhesive strip 7 or may be directly attached to the container. See page 1, line 55-73.

20. Boettger teaches a daily drug record for recording a multiple patient names, the drug, and the amount of the drug.

21. It would obvious to one having ordinary skill in the art the art at the time this invention was made to construct the device taught by Clark with a daily drug record chart as taught by Boettger to provide a means to record the drugs taken by a plurality of patients. Note: the applicant does not claim recording a quantity of ingestible product consumed by each of two or more different individuals associated with the template.

22. Claims 36, 37, 38, 45, 46, 47, 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Battes in view of Clark.

23. With respect to claims 36-37, 45, 46, Clark teaches a container record comprising a container 5 having a pad 11, wherein the portion of the pad below the line 16 correspond to the template and the portion 17 of the pad above the line 16 correspond to the label. The pad has a plurality of sheets.

24. With respect to claim 38, 47, and 48, the label portion 17 of Clark has preprinted data 18 and the template has a plurality of lines 20-23 and pre-printed indicia such a "patient", the quantity "1-12 gr." etc. Since the applicant does not disclose that indicia related to volume solves any stated problem or is for any particular purpose, it appears that providing any suitable information about the medication as taught by Clark and Battes would perform equally well.


Response to Arguments

25. Applicant's arguments with respect to claim 10, 41, and 30 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
August 4, 2006